

IN SENATE OF THE UNITED STATES.

FEBRUARY 17, 1845.

Submitted, and ordered to be printed.

Mr. JARNAGIN made the following

REPORT:

The Committee on Revolutionary Claims, to whom was referred the petition of Francis Sumter, administrator de bonis non of General Thomas Sumter, deceased, praying reimbursement of money advanced to the United States by the intestate during the revolutionary war, have had the same under consideration, and agreed upon the following report:

The petitioner states he is the grandson and administrator *de bonis non* of General Thomas Sumter, deceased; that his grandfather and intestate, during the war of the Revolution, loaned to his country a sum of money, and received as evidence of his debt thirty-two loan office certificates, of one thousand dollars each—equal in specie to eight hundred dollars; that said loan office certificates have been lost; and, a short time before the death of General Sumter, he proposed petitioning Congress on the subject, but was prevented by his sudden illness and death. Petitioner prays that the value of said loan office certificates, with interest thereon, be paid to him.

The only evidence presented to the committee is the certificate of T. L. Smith, Register of the Treasury, dated 27th of November, 1837; from which it appears that, on the 1st of June, 1780, there was issued, in the name of Thomas Sumter, nineteen loan office certificates for \$1,000 each, of the specie value of \$25 each; and on the 17th of October, 1780, thirteen others were issued to General Sumter, or in his name, of \$1,000 each, and of similar specie value with those of the first issue. The Register of the Treasury certifies that said certificates remain outstanding and unpaid. On inquiry at the Treasury Department, your committee have not been able to learn that said certificates were ever presented by the holder or holders, nor is there any evidence that they were ever countersigned by the commissioner of loans for the State of South Carolina, and put into circulation, as required by law. By the act of limitation of 12th February, 1793, loan office certificates are excepted from its operation. By the act of the 21st of April, 1794, the right to present loan office certificates for settlement was limited to 1st of June, 1795. By the second section it is enacted that no claim shall be allowed for loan office certificates alleged to be lost or destroyed, unless the destruction of the same was so far made public as to be known to at least *two credible witnesses* soon after it happened, and shall have been, before the presentation of the

claim, advertised for six weeks successively in some one of the newspapers of the State in which the certificates were issued, describing the number, date, and amount of the certificate alleged to have been destroyed, together with the time when, the place where, and the means by which the same was destroyed. By acts of Congress, passed from time to time, the statute of limitations, as to the payment of loan office certificates, was suspended till the 7th of May, 1836; yet none of them repealed the second section of the act of 21st April, 1794, in regard to lost or destroyed certificates. It does not appear that that section has ever been complied with in the present case; so, if there was nothing more in the case, Congress would not be justified in granting the prayer of petitioner. But this is a State demand, and no satisfactory reason is given why this claim was not presented at an earlier day. True, the petitioner says General Sumter contemplated petitioning Congress, but was prevented by sudden illness and death. We know, historically, that General Sumter was himself a Senator in Congress as late as 1811, and he never made any claim. This fact greatly strengthens the presumption that said certificates were never regularly issued. It does not appear that General Sumter ever pretended he had a claim against the United States during his life, further than by the statement of his grandson, the petitioner. Your committee therefore recommend the adoption of the following resolution:

Resolved, That the prayer of petitioner ought not to be granted.